

### **3. CM/ECF PROCEDURES (Case Management/Electronic Case Filing)**

### 3.1. **CM/ECF Overview [LBR 5005-4]**

- (a) **What is CM/ECF?** Case Management/Electronic Case Filing (CM/ECF) is a case management system that allows attorneys to electronically file petitions and other documents via the internet. Case information, dockets and documents filed in CM/ECF may be accessed through the internet with a PACER account.
- (b) **Mandatory Electronic Filing.** Usage of the court's CM/ECF system is mandatory as of April 1, 2007, for all documents, except for those documents listed in section 3.11 of this Court Manual. The mandatory electronic filing policy provisions are set forth in LBR 5005-4, in Paragraph 19 of Second Amended General Order 02-01 and in General Order 06-03, dated November 7, 2006.
- (c) **Advantages of Using CM/ECF.**
- (1) CM/ECF is available 24 hours a day, 7 days a week to registered users and can be accessed from virtually any computer with an Internet connection.
  - (2) CM/ECF saves time and money as registered users no longer need to travel to the court or send a courier to file the types of documents accepted electronically.
  - (3) The submission process is fast, and the electronic forms are easy to complete.
  - (4) The Clerk's Office has taken substantial measures to secure all activity on the CM/ECF site.
  - (5) Electronically filed documents are immediately entered on the court's docket, and an image of the filed document is simultaneously available for viewing in CM/ECF Pacer.
  - (6) CM/ECF allows filers to directly pay filing fees through CM/ECF using the U.S. Treasury Internet credit card service. Upon successful submission of a docket entry, the filer is immediately offered the option to pay the filing fee via the Internet. Upon the successful processing of the credit card payment, the filer receives a Internet credit card payment receipt. The receipt for payment is automatically entered onto the case docket.
  - (7) The CM/ECF Help Desk is available during business hours (Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding federal holidays) for customer assistance at (213) 894-2365. Or, you may send an email to [ECF\\_Support@cacb.uscourts.gov](mailto:ECF_Support@cacb.uscourts.gov).

**(d) Hardware/Software Equipment.**

Item	Requirement
Computer	Running a standard platform such as Windows or Mac OS X.
Printer	Any printer compatible with your computer to create electronic images of documents that are not in your word processing system. Preferred scanner settings: 200 X 200 DPI (dots per inch); black and white scale, no picture setting.
Scanner	Any scanner compatible with your computer.
Browser	Web browser. Mozilla Firefox 2 or 1.5, or Microsoft Internet Explorer 6.0, 7.0 or 8.0 are recommended. Some users have had positive experiences with other Web browsers, but those listed here have been tested and certified for compatibility with CM/ECF. Mozilla Firefox can be downloaded at no cost.
Exchange Software	<p>Software to convert documents from a word processor format to portable document format (PDF). The current version of Adobe Acrobat Professional is recommended, however, lower versions adequately meet the CM/ECF filing requirements.</p> <p>Adobe Acrobat Reader, which is available for free, is needed for viewing PDF documents.</p> <p>Microsoft Word is required for the preparation of orders that are submitted via Lodge Order Upload (LOU).</p>
E-mail Account	An e-mail account that is configured to send and receive attachments. You should be aware of any mailbox size limitations imposed by the e-mail provider.

**(e) Registering for CM/ECF.**

- (1) Attorneys must first be admitted to practice in the Central District of California. If you are an out-of-state attorney, you are required to have local sponsoring counsel pursuant to LBR 2090-1(b)(3).
  - (A) To register for CM/ECF, attorneys, trustees, and limited filers must complete an on-line application for training. Upon completion of court-sponsored training and requisite training assignments, registrants will be provided with a login and password for CM/ECF. The attorney's authorized staff may be allowed to use the assigned login and password.
  - (B) Attorneys cannot knowingly permit a password to be used by anyone who does not have authorized access to the program. Please see section 3.2(d) of this Court Manual for more information.

- (2) The online registration process takes less than 10 minutes to complete. To register, go to <[www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)> -> CM/ECF.
- (A) Training is required for all trustees, attorneys and limited filers unless they have been trained and issued a Login ID and Password in another bankruptcy court district.
- (f) **Procedures and Frequently Asked Questions.** For CM/ECF procedures, refer to *Terms, Eligibility, Registration, Training, Passwords*, section 3.2 of this Court Manual. The most frequently asked questions and online procedures may be found at the court's web site at <[www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)> -> CM/ECF.
- (g) **CM/ECF Documents.** Most documents can be filed using the CM/ECF system. The exceptions to electronic filing are documents filed under seal; Writs of execution; Abstracts of judgments; Bonds; and Interpleader with attached checks. These documents must be filed at the Intake window (See *Exceptions to Mandatory Electronic Filing*, section 3.11). Refer to *Proposed Orders*, section 3.9 of this Court Manual, for procedures regarding electronically lodged orders.

### 3.2. **Terms, Eligibility, Registration, Training, Passwords**

(a) **Terms.**

- (1) "CM/ECF system" refers to the court's Case Management/Electronic Case Files System that receives documents filed in electronic format.
- (2) "CM/ECF User" refers to those who have a Court-issued login and password to file documents electronically.
- (3) "Notice of Electronic Filing" refers to the notice automatically generated by the CM/ECF system each time a docket event is entered or a document is filed.

(b) **Eligibility.**

- (1) **Full Participants.** Attorneys admitted to practice in the Central District of California, currently in good standing, (including those admitted pro hac vice to the bar of the court and attorneys authorized to represent the United States without being admitted to the bar), United States trustees and their assistants, trustees in bankruptcy and their assistants, attorneys representing the United States of America, and others as the court deems appropriate, may register as full participant CM/ECF Users.
- (2) **Limited Participants.** The court may designate additional individuals or entities as eligible for registration as limited participant CM/ECF Users. Such CM/ECF Users may be limited to filing electronically certain types of documents, such as proofs of claim, or limited to filing documents in a particular case or proceeding.

(c) **Registration for the CM/ECF System.**

- (1) Registration. Each attorney desiring to file pleadings or documents through the court's CM/ECF system must complete an online Registration Form, complete the online training provided by the court, and prove competence on the CM/ECF system. Attorneys who have attended training for the CM/ECF system and are registered in another Bankruptcy Court may be allowed to register with this Court without further training. Limited use passwords may be issued to CM/ECF Users with formal training, when required. Persons wishing to register as limited users must follow the same registration procedures. Registration information is available on the court's web site at <[www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)>.
- (2) Certification of Requirements. Upon certification of the requirements stated in Paragraph (c)(1) above, the Clerk will provide the registering CM/ECF User with a login and password for the CM/ECF system.
- (3) Registration as Consent to Receive Notice and Service Electronically. Registration by an CM/ECF User shall constitute: (1) consent in writing to receive notice electronically and waiver of the right to receive notice by any other means; and (2) consent in writing to electronic service, except in regard to service of a summons and complaint under FRBP 7004, and waiver of any right to service by any other means. The consent and waiver includes, without limitation, notice of the entry of an order or judgment under FRBP 9022. The consent and waiver is effective upon activation of the participating CM/ECF User's login and password in the CM/ECF system live database.
- (4) Attorneys CM/ECF Registration Information. The contact information provided by the attorney on the registration form (mailing address, email address, phone number and fax number) shall constitute the official address of record in all cases where he or she is attorney of record until such time as the attorney's registration information is updated or corrected. Additionally, only one-mailing address per attorney can be stored in the CM/ECF system at a time. Therefore, attorneys who have multiple addresses must provide a preferred address to be used by the debtor and Court in all of his or her cases.
- (5) Notification of Change in CM/ECF Registration Information. Registered CM/ECF Users are able to update their email address, phone number or fax number by logging into *CM/ECF > Utilities > Maintain Your Account*. The updates will become effective immediately.

For changes to the registered CM/ECF user's mailing address, CM/ECF users must promptly notify the Court in writing by sending an email to <[ECF\\_Support@cacb.uscourts.gov](mailto:ECF_Support@cacb.uscourts.gov)> within five business days from the date the change occurs. Upon receipt, the ECF Support Staff will update the user's profile in CM/ECF, and the new address will be displayed in all future cases.

To update a CM/ECF user's mailing address for previously filed cases, the CM/ECF user must file a Notice of Attorney Change of Address or Law Firm in each case pursuant to LBR 2091-1(f). The CM/ECF user can use the multiple-case filing feature in CM/ECF to file the Change of Address and include a list of the affected cases as a PDF attachment. The Change of Address form is available on the Court's website at <[www.cacb.uscourts.gov](http://www.cacb.uscourts.gov) > *Forms*>.

**(d) Login and Password.**

- (1) Use of Login and Password. It shall be the duty of the registered CM/ECF User to retain control of, and to protect and secure the confidentiality of, his or her login and password, and to prevent their disclosure to any person not authorized to use them. No registered CM/ECF User shall knowingly permit or cause to permit his or her login and password to be utilized by anyone. A registered ECF User shall immediately notify the CM/ECF Help Desk upon learning that the security of his or her login and password has been compromised an e-mail addressed to <ECF\_support@cacb.uscourts.gov>.
- (2) Filing Agents. Registered attorneys, trustees and U.S. Trustees who have an individual empowered (such as a paralegal or legal assistant) to act on their behalf should consider the use of the Filing Agent feature. CM/ECF registered attorneys, trustees and U.S. Trustees may designate one or more employees as Filing Agents, and as such may create a separate login and password that will allow them to file documents and pay for filing fees on the their behalf. The CM/ECF registered attorneys, trustees and U.S. Trustees maintain the same level of responsibility as with their login in ensuring that a Filing Agent's login is kept current at all times. The CM/ECF registered attorneys, trustees and U.S. Trustees must deactivate a Filing Agent's account who leaves the firm or is no longer authorized to file on their behalf.
- (3) Suspension or Cancellation by Court. The court may suspend or revoke an CM/ECF User's password and, therefore, his or her authority and ability to electronically file documents for: (1) failure to comply with any provision of the agreement contained in the CM/ECF User's Registration Form; (2) failure to adequately protect his or her password; (3) failure to comply with the provisions of the LBR or Court Manual; (4) failure to pay fees required for documents filed electronically; (5) other misuse of the CM/ECF system; or (6) a sanction ordered by the court after notice and opportunity for hearing.

**3.3. Effective Date of Filing**

- (a) Effectiveness of Electronically Filed Document. The electronic filing of a document, together with the transmission by the court of a Notice of Electronic Filing to the user filing the document, constitutes the filing of the document for all purposes of the FRBP and the court's Local Bankruptcy Rules and constitutes entry of the document on the docket by the Clerk under FRBP 5003. The official record of all documents is the electronic recording of the document as stored by the court.
- (b) Time of Filing. Filing of a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight, Pacific Standard or Daylight Saving Time, whichever is then in effect, to be considered timely filed that day. The date and time of filing is stated on the Notice of Electronic Filing from the court. This time stamp is based on the time of the electronic receipt of the document by the court, and not by the time of transmission by the CM/ECF User.
- (c) Virtual Documents. Virtual documents are certain documents (including some orders) which are frequently used by trustees and the court, and the text of which does not vary

from case to case. A virtual document consists entirely of the text contained in the docket entry and is not embodied in any other document or electronic recording. The docket entry for a virtual document shall be fully effective despite the absence of a document or electronic recording apart from the docket entry. Examples of virtual documents are a trustee's report of no distribution, a trustee's initial report in an asset case, and a final decree closing the case.

### 3.4. **Signatures**

#### **(a) Registered CM/ECF User**

- (1) Use of Login and Password. The use of a registered CM/ECF User's login and password to file a document electronically shall constitute the signature of the registered CM/ECF User on the document being electronically filed. The attorney shall sign a true and correct hard copy of the document before the electronic version of the same has been electronically filed.
- (2) Use of "/s/". The signature of the registered CM/ECF User on electronically filed documents shall be denoted by "/s/," followed by the registered CM/ECF User's name, on the signatures lines where such signatures are required or applicable. Failure to denote "/s/," followed by the registered CM/ECF User's name, on applicable signature lines shall constitute a failure to sign the documents on such signature lines. If, in addition, the registered CM/ECF User is an attorney, the use of the registered attorney's login and password to file a document electronically is a substitute for a holographic signature of that attorney on that document under FRBP 9011 and LBR 1002-1(b)(2).
- (3) Virtual Documents. The use of the trustee's CM/ECF User login and password shall constitute the trustee's signature on a virtual document. A virtual document that is a court notice or order entered by the court shall be deemed signed by the individual whose name appears as Judge or Clerk of the Court.
- (4) Retention of Original Signatures. The registered CM/ECF User electronically filing the document shall maintain the executed original of the document for a period of five years after the closing of the case or adversary proceeding in which the document is filed, and shall make the executed original available for review upon request of the court or other parties.

#### **(b) Debtor(s) or Other Parties Represented by Registered CM/ECF User.**

- (1) Use of "/s/". The signature of the debtor or other represented party on electronically filed documents shall either be an original signature or be denoted by "/s/," followed by the debtor's or other party's name, on the signature lines where such signatures are required or applicable. Failure to denote "/s/," followed by the debtor's or other represented party's name, on applicable signature lines shall constitute a failure to sign the documents on such signature lines. The debtor or other represented party shall sign a true and correct hard copy of the document before the electronic version of the same has been electronically filed.
- (2) Electronic Filing Declarations Requirement. Documents filed electronically using the CM/ECF system, that are signed by an individual debtor(s) or other represented party using a "/s/" for signature, must be accompanied by a scanned



copy of an Electronic Filing Declaration (Individual) signed by the debtor(s) or other represented party, and the attorney, or an Electronic Filing Declaration of Authorized Signatory (Corporation/Partnership) if the debtor is a corporation or partnership. Failure to submit an Electronic Filing Declaration constitutes a failure by the debtor or other party to sign in the locations indicated by “/s/.” A Bankruptcy Petition electronically filed by an attorney through CM/ECF must be accompanied by an Electronic Filing Declaration, even if the Bankruptcy Petition has been scanned with original signature(s).

- (3) Retention of Original Signatures. The attorney or other CM/ECF User electronically filing such documents shall maintain the executed original of the Declaration for a period of five years after the closing of the case or adversary proceeding in which the document is filed, and shall make the executed original of the Declaration available for review upon request of the court or other parties.

(c) **Party Other Than Registered CM/ECF User, Debtor, or Other Party Represented by Registered CM/ECF User.**

- (1) Image of Signature. Documents that require the verified signature of a party other than the registered CM/ECF User who is electronically filing the document, the debtor(s), or other party represented by registered CM/ECF User shall be electronically imaged using scanning technology and electronically filed in portable document format (.pdf) as specified by the Clerk of Court.
- (2) Verification of Documents. The use of the registered CM/ECF User's login and password by the attorney electronically filing the document is the attorney's representation that the document being filed is a true and correct copy of the original document bearing such other individual's signature.
- (3) Retention of Original Signatures. The registered CM/ECF User electronically filing the document shall maintain the executed original of the document for a period of five years after the closing of the case or adversary proceeding in which the document is filed, and shall make the executed original available for review upon request of the court or other parties.

(d) **Documents with Multiple Signatures (i.e., Stipulations, etc.).** Documents requiring the signatures of more than one party, such as a stipulation, must be electronically filed as follows:

- (1) Verification of Content of Document. The attorney electronically filing the document shall initially confirm that the content of the document is acceptable to all persons required to sign the document by obtaining their original signatures on the document.
- (2) Image of Signatures. The document containing the original signatures shall be imaged using scanning technology and electronically filed in portable document format (.pdf).
- (3) Retention of Original Signatures. The attorney electronically filing the document shall maintain the executed original for a period of five years after the closing of the case or adversary proceeding in which the document is filed, and shall make the executed original available for review upon request of the court or other parties.



- (e) **Employee of Registered CM/ECF User.** An employee of a registered CM/ECF User who has a CM/ECF password may submit an electronic signature solely for the purpose of verifying proofs of service of documents. The signature of the employee on the proof of service shall be denoted by “/s/,” followed by the employee’s name on the signature line where such signatures are required or applicable. The registered CM/ECF User whose password was used to electronically file or lodge the document is responsible for the accuracy of the verification.

### 3.5. **Electronic Filing Protocols**

- (a) **General.** Except as provided by LBR 5005-4 and section 3.12 below, “Technical Failures,” all documents filed in any case or proceeding must be filed electronically, signed or verified by electronic means in compliance with these CM/ECF procedures.
- (b) **Judge’s Copy [LBR 5005-2].** Local Bankruptcy Rule 5005-2(d) requires that a copy of many documents filed must be served on the judge who presides over the bankruptcy case or adversary proceeding. Please see *Appendix F* for detailed directions on the method, manner, timing and location of serving a Judge’s Copy.
- (c) **Document Size.** Document files shall not be larger than 5 megabytes (MB) in size. A CM/ECF User should check the size of the file prior to attempting to upload it in the CM/ECF system. Approximately 100 pages of text, converted from a standard word processing format to a PDF image, should not exceed 5 MB. However, a PDF file created through scanning a document or by inserting additional pages that have been scanned may result in a file exceeding 5 MB. In particular, scanning a document with graphics or dark areas will significantly affect file size. A file exceeding the 5 MB limit must be broken into smaller sections and uploaded as consecutively numbered attachments to the main document.
- (d) **Image Size.** Individual pages of documents shall not exceed 8.5 x 11 inches. A CM/ECF User should check the page size prior to attempting to upload the PDF in the CM/ECF system. PDF files with pages exceeding the 8.5 x 11 inch limit must be modified before uploading.
- (e) **Hyperlinks.** Documents filed using the CM/ECF system may include the following type of hyperlinks:
- (1) Hyperlinks to other portions of the same document; and
  - (2) Hyperlinks to a location on the Internet that contains a source document for a citation or other reference materials.

**NOTE:** Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document. The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlink site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.

- (f) **Emergency Motions.** CM/ECF Users seeking to set a motion for hearing on an emergency basis must comply with LBR 9075-1(a). The name and phone number of the contact for each judge is listed in Appendix H of this Court Manual.
- (g) **Title of Docket Entries.** The CM/ECF User must designate a title for the document using one of the main categories provided in the CM/ECF system (e.g., motion, application, etc.).
- (h) **Correcting Documents Filed in Error.**
- (1) When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court. Only the Clerk's Office can make changes to the docket entry.
  - (2) A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number. If an error is detected after an item is on the docket, **DO NOT ATTEMPT TO RE-FILE THE DOCUMENT.**
  - (3) After an error is discovered, contact the CM/ECF Help Desk at (213) 894-2365 as soon as possible. Be sure to have the case number and document number for which the correction is being requested. If appropriate, the court will make an entry indicating that the document was filed in error. You will be advised if you need to re-file the document. The CM/ECF system will not permit you to make changes to a document or docket entry once the transaction has been accepted.
  - (4) If an error regarding a fee occurs, do not pay the fee until after speaking with someone at the CM/ECF Help Desk.
- (i) **Flattening and Shrinking the Document Image.** All PDF files must be "flattened" prior to uploading in the Court's CM/ECF system. Documents that have not been flattened prior to submission can result in poor image quality problems for all users who attempt to view the PDF via CM/ECF. Flattening files also reduces the file size of a fillable form by over 90 percent, conserving valuable resources for the Court. CM/ECF users who fail to flatten files will be contacted and asked to resubmit these files. To "flatten" the electronic file (i.e., to make the field data indistinguishable from the rest of the text in the form), "*print*" the form to PDF (using the print dialogue box), and file the resulting document. Detailed instructions for flattening and shrinking a PDF document titled, "*Warning for Electronic Filers: Flattening PDF Files Required,*" are available on the Court's website at <[www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)> ->CM/ECF.
- (j)(i) **Verification of Document Image.** An CM/ECF User shall verify, by checking the link in the Notice of Electronic Filing or by reviewing the docket immediately after the electronic filing, that the image of the filed document is a correct and complete copy of the document intended to be filed. An CM/ECF User shall immediately notify the CM/ECF Help Desk at (213) 894-2365 of the discovery of an incorrect or incomplete image of a document. A follow-up e-mail shall also be sent to <[ECF\\_support@cacb.uscourts.gov](mailto:ECF_support@cacb.uscourts.gov)>.
- (j)(k) **Anti-Virus Software.** Each CM/ECF User shall utilize updated anti-virus software at all locations from which Internet access is made. The filing party must check all electronic files submitted on disk or transmitted by e-mail to the Clerk's Office or a judge's chambers for viruses or worms.

### 3.6. Privacy [LBR 1002-1]

- (a) **Redaction of Personal Identifiers.** In compliance with the policy of the Judicial Conference of the United States and the E-government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents and pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper format, unless otherwise ordered by the court or required by statute, the FRBP, or the Official Bankruptcy Forms.

- (1) **Social Security Numbers.** If disclosure of a Social Security number is required, only the last four digits of that number should be used. (This does not apply to Official Form 21, Statement of Social Security Number(s)).
- (2) **Names of Minor Children.** If disclosure of the identity of any minor child is required, only the initials of that child should be used.
- (3) **Dates of Birth.** If disclosure of an individual's date of birth is required by any statement or schedule, only the year should be used.
- (4) **Financial Account Numbers.** If disclosure of any financial account number is required, only the last four digits of that number should be used.

**NOTE:** The responsibility for redacting the personal identifiers listed above rests solely with counsel and the parties. The Clerk's Office will not review each document for compliance with this rule.

(b) **Statement of Social Security Number(s) - Official Form B21.**

- (1) **When to Submit to the Court.** Beginning January 1, 2009, attorneys who electronically file petitions using the court's CM/ECF system must electronically submit the Statement of Social Security Number(s) (Official Form B21) to the court on the same day of the filing of the petition pursuant to Public Notice 08-024 (dated 12/11/08).
- (2) **How to Submit to the Court.** To ensure the privacy of the debtor's Social Security Number, the court requires that the Statement of Social Security Number(s) be printed, signed by the debtor(s), scanned as a separate PDF file, and docketed separately from the Voluntary Petition using the "private" event code **Statement of Social Security Number(s) Form B21** (BK - Other). **DO NOT** file an amended Statement of Social Security Number(s) as "Amendment" since this event will cause the document and the Social Security Number to appear on the public docket. Use "private" event code **Statement of Social Security Number(s) Form B21 (AMENDED STATEMENT)** (BK - Other). More detailed instructions on how to submit the Statement of Social Security Number(s) or an Amended Statement of Social Security Number(s) are available on the court's website at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov) -> CM/ECF.

- (3) Privacy of the Debtor(s) Social Security Number(s). Attorneys must use the proper event code to prevent the full social security number(s) from appearing on the public docket, which is a violation of FRBP 9037.

### 3.7. Payment of Filing Fees

- (a) When Fees are Due. For filings that require a fee, the CM/ECF system will prompt the CM/ECF User to enter credit card information (card number and expiration date) and the payment amount following the transaction. The credit card receipt shall include a reference to the case and docket number. Funds will be automatically charged to the card holder's account by the United States Treasury Department. **All applicable filing fees are due at the time of filing. If you choose to accumulate filing fees throughout the day, all fees must be paid by the end of the day in which the filings occurred.**
- (b) Consequences of Not Paying Fees Timely. A registered CM/ECF User will be locked out of the CM/ECF system and prevented from filing additional documents if the filing fees are not paid by the end of the day. The registered CM/ECF User will receive a daily email reminder until all outstanding filing fees are paid in full. Once a CM/ECF User is locked out of the CM/ECF system, there will be limited access to run the Payment History and Internet Payments Due reports in order to make payments. The registered CM/ECF User must log into PACER to run standard reports and queries. Full access rights will be restored in the CM/ECF system after all outstanding fees have been paid in full.
- (c) Debtor's Personal Credit Card. A debtor's personal credit card cannot be used to pay the filing fee through the CM/ECF system.

### 3.8. Service of Documents by Electronic Means [LBR 9036-1]

- (a) Consent to Electronic Service. As a condition of participation in filing electronically via CM/ECF, CM/ECF Users are required to consent to electronic service of all documents, except with regard to LBR 7004-1, service of a summons and complaint. The consent is effective upon activation of the CM/ECF User's login and password in the live CM/ECF system. The consent shall apply in all cases in which the consenting entity is a party. The entity may withdraw consent to electronic service by giving notice of not less than 30 days to all parties in matters in which the entity is a party. An entity that has requested to receive a Courtesy Notification of Electronic Filing pursuant to Public Notice 08-015 has consented to electronic service of all documents.
- (b) Notice of Electronic Filing (NEF).
- (1) Whenever a document is filed electronically using the court's CM/ECF system, the filing party automatically will be sent a Notice of Electronic Filing by electronic means at the time of docketing. Electronic transmission of the Notice of Electronic Filing through the court's transmission facilities constitutes service of the notice of the filed document to registered CM/ECF Users and others who have consented in writing to accept such service of notice. The party filing the document using the court's CM/ECF system shall serve the document on other parties as required by the FRBP and the Local Bankruptcy Rules.
- (2) Proof of service on mandatory form F 9013-3.1.PROOF.SERVICE must be filed pursuant to Local Bankruptcy Rule 7004-1(b) for all documents filed electronically,

indicating that service was accomplished through the Notice of Electronic Filing for parties and counsel who are registered CM/ECF Users, and indicating how service was accomplished on any party or counsel who is not an CM/ECF User.

- (3) A party entitled to service who is not a registered CM/ECF User in the CM/ECF system is entitled to a paper copy of any electronically filed document. The filing party must serve the non-registered CM/ECF party with the document according to the FRBP and the Local Bankruptcy Rules.
- (4) Copies of documents that have been filed electronically which the court is required to transmit to the United States trustee shall be transmitted to the United States trustee electronically via a Notice of Electronic Filing.

**(c) Courtesy Notification of Electronic Filing (NEF).**

- (1) Registered CM/ECF users who wish to receive courtesy electronic notification of documents filed in a particular bankruptcy case may submit a request to the court using the form Request for Courtesy Notification of Electronic Filing (NEF). This form is available on the court's website at <[www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)> -> *Forms-> Other Forms*.
- (2) All requests for a courtesy NEF must be filed electronically with the court. The courtesy electronic notification shall be delivered via the court's CM/ECF system as an NEF. **Requests for a Courtesy NEF will not be accepted at the Intake window.** (See Public Notice 08-015.)

- (d) Notice of Claim Filed by Debtor or Trustee.** A debtor's attorney or a trustee electronically filing a proof of claim on behalf of a creditor under FRBP 3004 shall be responsible for giving notice of the filing to the creditor, debtor and trustee as required by that rule.

- (e) Electronic Notice & Service on United States Trustee [LBR 2002-2].** The United States trustee accepts service via NEF of most documents. However, there are several specific situations in which service on the United States trustee must be made by personal delivery, overnight mail, or regular mail. Please consult LBR 2002-2 for these rules. Please consult *Appendix C* of this Court Manual for information about the United States trustee and addresses for mailing documents to the United States trustee.

### **3.9. Proposed Orders [LBR 9021-1]**

Unless otherwise authorized by the court, proposed orders may be lodged electronically on all cases and adversary proceedings using the court's Lodged Order Upload (LOU) program in CM/ECF. The procedures for using the court's Lodged Order Upload program are located in section 4 of this Court Manual. Online procedures may be found on the court's web site at <[www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)> -> CM/ECF -> LOU (*Lodged Order Upload*).

### **3.10. Entry of Judgments and Orders**

- (a) Electronic Transmission.** Immediately upon the entry of a judgment or order, the Clerk's

Office shall electronically transmit a Notice of Electronic Filing to registered CM/ECF users and others who have consented to electronic service or notice in the case or proceeding through the court's transmission facilities. The electronic transmission of the Notice of Electronic Filing shall constitute the service on such persons or entities of the notice of entry of the judgment or order required by FRBP 9022.

(b) **Notice and Service by Mail on the Debtor or Debtor's Attorney.** The Bankruptcy Noticing Center will give notice of the entry of the judgment or order by mail only to as follows:

- (1) **Bankruptcy Cases.** The BNC will send notice of an order ONLY to the debtor and debtor's attorney (when not a registered CM/ECF User).
- (2) **Adversary Proceedings.** A complete street address must be listed on the CM/ECF docket for an adversary proceeding in order for the BNC to deliver notice of an order. If an address is missing or incomplete, the BNC will not deliver a notice to that party or attorney. Please contact 1-855-460-9641, if there is an address missing from the docket.
  - (A) **Parties.** The BNC will send notice of an order to all plaintiffs and all defendants whose complete street addresses are listed on the CM/ECF docket for the adversary proceeding.
  - (B) **Attorneys.** The BNC will send notice of an order to attorneys who do not receive notices electronically by NEF, if a complete address is listed on the CM/ECF docket for the adversary proceeding.

(c) **Notice and Service on other Parties.** Any persons or entities who (1) do not receive orders by NEF, (2) who are entitled to such service of an order or judgment pursuant to FRBP 9022 and LBR 9021-1(b), and (3) will not be served by BNC, must be served as follows:

- (1) **Lodged Party Serves the Order or Judgment.** If a party lodges the order, that party must promptly serve the order on that person or entity and file a Proof of Service of Document within 72 hours from entry of the order or judgment.
- (2) **Court Serves the Order or Judgment.** If the court prepares the order, and the person or entity does not receive service via NEF, the court will send the order by U.S. mail to that person or entity.

### **3.11. Exceptions to Mandatory Electronic Filing [LBR 5005-4]**

(a) **Document Exception.** The following documents shall be filed conventionally and not electronically unless specifically authorized by the court:

- (1) **Documents filed under seal;**
- (2) **Writs of execution;**
- (3) **Abstracts of judgments;**
- (4) **Applications for renewals of judgments;**



- (5) Bonds; and
  - (6) Interpleader with attached checks.
- (b) **Pro Se Exception.** A person who is not represented by an attorney may file and serve documents non-electronically.
- (c) **Limited Exception for Attorneys.**
- (1) An attorney who has filed documents in **fewer than 5 bankruptcy cases or adversary proceedings in a single calendar year** may file and serve documents non-electronically.
  - (2) An attorney who has filed non-electronically documents capable of being filed electronically in **5 or more bankruptcy cases or adversary proceedings in a single calendar year** *must thereafter* file documents electronically through the court's CM/ECF system.
  - (3) The court reserves the right in its sole discretion to revoke this limited exception at any time upon notice to the attorney.

### 3.12. Technical Failures

An CM/ECF User whose filing is made untimely as a result of a technical failure may seek appropriate relief from the court.

- (a) **CM/ECF Outage Procedures.** In the event that the Court is unable to accept electronic filings due to a scheduled or unscheduled failure or outage of CM/ECF (an "Outage"), the option of filing documents manually at the filing window always remains available and should be utilized whenever it is essential that a particular document be filed by a particular date. However, as it is significantly more cumbersome and time-consuming for the Court to process paper filings, we would prefer that attorneys limit the number of instances in which they file manually during an Outage. Please refer to the following guidelines for assistance in evaluating whether a given document should be filed manually during an Outage.<sup>1</sup>
- (1) **Filing a Hard Copy.** You should file a hard copy of the relevant documents manually at the filing window if you need to commence a new bankruptcy case before the Court is again able to accept electronic filings ("Resumption of Service") or if, in the exercise of your professional judgment, you conclude that (a) applicable law requires that your client file a given set of documents before Resumption of Service in order for the filing to be effective or (b) it is not within the judge's discretion to excuse noncompliance with the applicable deadline. You might reach this conclusion, for example, if one of the following is true:

**NOTE:** PARAGRAPHS (1) THROUGH (3) ARE EXAMPLES ONLY AND SHOULD NOT BE UNDERSTOOD AS AN EXCLUSIVE LIST OF THE INSTANCES IN WHICH YOU

<sup>1</sup> The term, "Outage," as used in these guidelines refers to an instance in which CM/ECF is not functional and does not refer to an instance in which your office or your internet service provider is having technical difficulties and you are therefore unable to accomplish an electronic filing. If there is an Outage within the meaning of these guidelines, **you will receive an email to this effect from the ECF Help Desk, advising you that the system is unavailable**



## SHOULD FILE MANUALLY DURING AN OUTAGE.

- (A) Example 1. The documents is a complaint, a notice of appeal, a proof of claim, an election to opt-out of the Bankruptcy Appellate Panel, a motion to vacate a default or a motion to extend time to file schedules or other case commencement documents, and the applicable statute of limitations, bar date or filing deadline will run before Resumption of Service;
  - (B) Example 2. The Bankruptcy Code or the Federal Rules of Bankruptcy Procedure establish a specific deadline for the filing of the documents in question that will run prior to Resumption of Service (*e.g., a motion to extend the automatic stay in a second bankruptcy case pending within a year; a motion to assume or reject a lease of nonresidential real property; a complaint objecting to a discharge; or a complaint seeking to have a debt declared nondischargeable*); or
  - (C) Example 3. You need to file something in order to create bankruptcy court jurisdiction over a given dispute prior to Resumption of Service so that the Court will have jurisdiction to act (*e.g., you need to file and serve an adversary proceeding so that the Court will have the jurisdiction to issue a temporary restraining order or preliminary injunction*).
- (2) Not Filing a Hard Copy. If you conclude in the exercise of your professional judgment that the provisions of subsection (1) do not apply, please observe the following guidelines:
- (A) Filing. Except as provided in paragraph (2)(E) below, do not file the document manually. Except as provided in paragraph (2)(E) below, wait until Resumption of Service and file as soon as possible thereafter.
  - (B) Service. **Serve the document by the applicable deadline imposed by the Local Bankruptcy Rules (or any other applicable rules) on all appropriate parties, including the judge, by the same method of service required or authorized under the Local Bankruptcy Rules and/or the Court Manual.** If a given party to be served is a registered CM/ECF user who has not opted out of electronic service by NEF, you may serve the document by emailing a copy of the document to the email address that would have been used by CM/ECF to serve the document. **However, be sure to prepare, maintain (and file by the deadline set forth in paragraph (2)(E) below) a proof of service that accurately describes how and when you served these people. The standard court form for a proof of electronic service will not suffice as it does not include a section for service by email other than through CM/ECF.**
  - (C) Judge's Copy: As you will not be able to attach proof of filing to the judge's copy at the time of service on the judge, please note on the front page of the document in the upper right hand corner, "NOT YET FILED DUE TO AN OUTAGE."
  - (D) Obtaining a Hearing Date: During the pendency of an Outage, if you elect to wait until Resumption of Service to file a motion, request or application, you

may nevertheless select a hearing date from the judge's self-scheduling system (or request a date from the judge's calendar clerk for matters that cannot be self-scheduled) for your motion, request or application and put the date, time and place of the hearing on the caption page of the service copies of the document, but be sure to **serve your documents at least as many days in advance of the hearing date that you select as is required under the Local Bankruptcy Rules and any other applicable rules.**

(E) Absolute Deadline for Filing.

(i) Matters to be Set for Hearing.

- a. Notwithstanding anything contained herein to the contrary, if the documents that you have been unable to file electronically due to an Outage comprise a motion, application or request that is set for hearing, you must file those documents (manually, if necessary) not less than three court days before the date set for the hearing, or your hearing will need to be rescheduled.
- b. If your documents comprise a response to a motion, request or application, or a reply thereto – **or if the documents you seek to file is a stipulation to continue or resolve a hearing<sup>2</sup>** – the deadline set forth in paragraph (2)(E)(i)a above does not apply. Oppositions, replies and stipulations to continue or resolve hearings should be filed promptly after Resumption of Service, *even if Resumption of Service occurs after the date scheduled for the hearing*, but in all instances you must ensure that service copies, including the judge's copy, are served in a timely manner so that the judge and affected parties have an opportunity to review and act on these documents prior to the hearing even if they have not yet been filed.

- (ii) Matters Not Set for Hearing. If your motion, application or request is one for which there is no hearing, your documents will need to be filed, manually if necessary, on or before the date on which you need to have an order signed. The judge will not sign an order acting on or in response to a motion, application or request unless that motion, application or request has been filed with the Court.

<sup>2</sup> If you have reached an agreement with opposing parties to resolve or continue a matter, **please notify chambers by phone as soon as possible, whether or not there is an Outage.**

### 3.13. Public Access to the CM/ECF System

- (a) **Internet Access.** Internet access to the CM/ECF system is not available without a PACER login and password. A PACER login and password can be secured by contacting the PACER Service Center to establish an account. Registration may be made online at [<http://pacer.psc.uscourts.gov>](http://pacer.psc.uscourts.gov) or by calling the PACER Service Center at (800) 676-6856. Such access to the CM/ECF system will allow the retrieval of the docket sheet and documents. Access to the CM/ECF system will be on a “read only” basis.
- (b) **Public Access at the Court.** The public will have electronic access at the Clerk’s Office during regular business hours for viewing the docket sheet and filed documents in the CM/ECF system.
- (c) **Conventional Copies and Certified Copies.** Uncertified and certified copies of electronically filed documents may be purchased at the Clerk’s Office during regular business hours. The fee for copying and certification will be in accordance with the provisions of 28 U.S.C. § 1930.